

STATE OF MICHIGAN
COURT OF APPEALS

LINDA E. STINSON,

Plaintiff-Appellee,

v

JEFFREY L. STINSON,

Defendant-Appellant.

UNPUBLISHED

May 24, 2005

No. 252017

Oakland Circuit Court

LC No. 02-665536-DM

Before: Bandstra, P.J., and Fitzgerald and Meter, JJ.

MEMORANDUM.

Defendant appeals as of right from the judgment of divorce, which followed an arbitrator's award. At issue is the property distribution. This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

MCR 3.602(J)(2) provides:

An application to vacate an award must be made within 21 days after delivery of a copy of the award to the applicant, except that if it is predicated on corruption, fraud, or other undue means, it must be made within 21 days after the grounds are known or should have been known.

Here, defendant requested that the trial court vacate the arbitration award, but made his application months after the arbitration award was delivered to his counsel and after the judgment of divorce was entered. Defendant husband is not arguing that the award should be vacated based on corruption, fraud, or other undue means. Therefore, defendant's application was untimely, and the trial court did not err in denying his request to vacate the arbitration award.

Plaintiff's request for sanctions did not follow the procedures set forth in MCR 7.216(C)(1). Further, this appeal does not rise to the level of a vexatious appeal. Plaintiff wife's request for sanctions is denied.

We affirm.

/s/ Richard A. Bandstra
/s/ E. Thomas Fitzgerald
/s/ Patrick M. Meter